

Meeting of 1997-12-16 Rescheduled Regular Meeting

MINUTES
LAWTON CITY COUNCIL
RESCHEDULED REGULAR MEETING
DECEMBER 16, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by law.

ROLL CALL

PRESENT: Jody Maples, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

ABSENT: None

ADDENDUM: Consider approval of Minutes of Lawton City Council regular meeting of December 9, 1997.

The City Clerk stated that 631 "C" needed to be changed to 631 "D" on Page 75.

MOVED by Purcell, SECOND by Warren, to approve the minutes with the noted changes. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

BUSINESS ITEMS:

1. Hold a public hearing and adopt a resolution declaring the structures listed herein to be dilapidated and detrimental to the health and safety of the community, prioritize the razing and removal of those declared to be dilapidated and detrimental to the health and safety and authorize expenditure of CDBG or City Council Contingency funds, if necessary, to demolish these structures: (1) #7 NW Columbia Avenue; (2) 109 NW Dearborn; (3) 110-1/2 NW Dearborn; (4) 306 SW Summit; (5) 1005 and 1007 SW Summit; (6) 1411 SW Summit; (7) 407 NW 4th Street. Exhibits: Resolution No. 97- _____.
Schumpert said 1005 and 1007 SW Summit should be deleted from consideration.

#7 NW DEARBORN

Dan Tucker, Code Administration Director, presented video of #7 NW Dearborn, which is a vacant structure. A letter was sent requesting entry but a response was not received and they had not gained access to the structure. Two accessory structures are on the property and the storage shed is not secured. Main structure is secured and shows deterioration in the roof, foundation; wood has rotted. Structure has been vacant for a number of years.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Purcell, to adopt Resolution No. 97-164. AYE: Warren, Maples, Williams, Sadler,

Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-164

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

Legal Description: Block 23, Lot 13, North Addition; Title Holder: Laura White Washington

109 NW DEARBORN

Tucker presented video and said notice was mailed on August 1, 1997; structure was inspected and a list of required repairs was provided on September 5. Request has not been received for remodel or repairs. Structure is stucco and has been vacant for approximately seven years according to the neighbors. The City secured the property three years ago and inspection shows it is not habitable.

Shanklin asked who would pay for demolition. Tucker said it can initially be paid for from CDBG funds and then a lien would be placed against the property. Shanklin said he felt it could be repaired; Tucker agreed and stated no one had come forward to do that.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Williams, to adopt Resolution No. 97-165. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-165

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

Legal Description: Block 21, Lot 12, North Addition. Title Holder: Myrtle (Johnson) Mitchell

110-1/2 NW DEARBORN

Tucker presented video and stated the property was inspected September 25, 1997, and the owner was provided the list of repairs necessary to make the structure habitable. Structure is vacant and wood frame construction. It has no utilities, is secured and is used for storage of materials, type unknown.

Shanklin said the front house is occupied and asked if a response was received. Tucker said they responded for the inspectors to get inside and look at it and provide a list of what is needed to make it habitable; owners were told they had to get a permit to do the work and no response was received. Shanklin asked how long it takes for the property to be demolished if the work is done by the City. Tucker said normally about a month. Shanklin asked if the owner could come in during that time and Tucker said yes, the resolution gives the owner two weeks to get the permit and they would then have one month from the date they pick up the permit.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Warren, that Resolution No. 97-166 be adopted. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-166

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

Legal Description: Block 24, Lot 5, North Addition. Title Holder: H & N Enterprises, C/O Comanche Real Estate

306 SW SUMMIT

Tucker presented video of the property; letter was mailed February 17. The owner obtained a permit to remodel on March 26, 1997, and it expired on September 26, 1997. He said he understood there was illness that prevented the owner from using the permit and that the owner had contacted Code Administration about the possibility of donating the house to a person or agency, and the City does not have a vehicle to do that. Tucker said it is secured but is not currently habitable and a request was received two days ago for a permit and the owner was asked to attend the hearing.

PUBLIC HEARING OPENED.

Jimmie Hysaw said he had lived in Lawton all his life and had encountered several problems with this structure. He said Mr. Cruz and the City had attempted to help him but he had run into blank walls. Hysaw said the property itself is pretty sound although it needs major cosmetic work such as a new roof and interior sheet rock. He read a statement into the record as follows: "Pursuant to the disposition of the property and structure at 306 Summit, Lawton, I hereby request an extension of sixty days to allow the Habitat for the Community organization time to review and inspect the said property for a useful purpose. This is a signed and notarized document." Hysaw said he would hate to see a structure go to waste when it can be salvaged for some good purpose. He said if nothing could be worked out, he would demolish it himself if he could be given ample time to do so.

Green asked if Mr. Hysaw was giving the house away. Mayor Marley said if they will take it. Green asked if it was the Habitat for Humanity. Hysaw said he contacted them and they showed an interest. Green asked Tucker for a recommendation. Tucker recommended a way be found to give the structure to someone that otherwise may not be able to find a home; it is currently secure and staff had spoken with the Habitat, as others had inquired about doing, but the vehicle is not in place for that to happen.

PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Shanklin, to allow Resolution No. 97-167, extend it 60 days and allow the home to go as the gentlemen has presented to Council.

Warren asked if Council can do anything to put the vehicle in place to save some of the structures people would like to not own any longer. Tucker said it can be done and it would require involvement of another government entity. Purcell asked if it would be appropriate to table this for 60 days to allow time. Cruz said yes. Green rescinded the motion as shown above.

MOVED by Green, SECOND by Shanklin, to table this for 60 days. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

Mayor Marley said 1005 and 1007 SW Summit were earlier removed.

1411 SW SUMMIT

Tucker presented video of 1411 SW Summit and stated notice was mailed August 15, 1997; structure has not been lived in for a few years; owner is present and wishes to speak. He said the owners job causes her to be out of town frequently although she has expressed a desire to obtain a permit and remodel but dates for that were not discussed. Structure and storage shed are both secured.

PUBLIC HEARING OPENED.

Ms. Long, owner of the property, said she plans to remodel it and make it liveable. Mayor Marley asked if any time frame could be given. Ms. Long said within a year or possibly even six months. Purcell asked if she knew how long it had been in this condition. Ms. Long said she purchased it about a year ago. Purcell asked if it had been in this condition for that years period of time. Ms. Long said yes, she had not lived in it. Purcell asked if she knew how long it was like this prior to that year and Ms. Long said she did not know.

PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Purcell, to table it for six months. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

407 NW 4th STREET

Tucker presented video and stated notice was mailed August 12, 1997, to inspect it and an inspection was conducted on August 20. A list was mailed to Mr. Gilley, the owner, indicating a remodel permit would be needed to bring the structure to a habitable condition. Structure is vacant, wood frame, and in need of repair; video shows an electrical cord coming out through the bricks on the foundation; sections of the foundation are kicking out. Property was originally set for a hearing on October 16 and Mr. Gilley came in on October 15 indicating he would come in for a permit but his health would not permit him to do that so the item was returned to this hearing.

Shanklin asked if the structure falls under the Historical Society. Tucker said yes, and Council Contingency, rather than CDBG, funds would be necessary for demolition if that is ordered because it is located in the Old Town North district. Shanklin asked if the Historical Society had agreed that it be torn down. Tucker said no, they simply say that CDBG funds may not be used. Shanklin asked if the consent of the Historical Society was required to demolish

anything in Old Town North. Tucker said no, only to use CDBG funds to tear it down; none of the structures are on the historical register. Tucker said it is an area that could be eligible so federal funds cannot be used for demolition. Shanklin said he had turned in 30 properties and thought they had not been addressed due to the historical aspect. Tucker said that was not the reason.

PUBLIC HEARING OPENED.

Troy Gilley, owner, said he was present at the earlier meeting where properties were broken down into categories A, B and C. He said he did not understand that he could have applied for a remodeling permit, and that weather and being able to find a contractor had also played a part, although he had found someone to do all three of the properties. Gilley said he would need a week or two to get the remodeling permits and time to talk further with the contractor. He said he did not realize the properties had gotten into the shape shown on the pictures because he had trouble getting around to his rentals and that he had seven. Gilley said he has no permanent maintenance staff but hires work done as is needed.

Shanklin asked if Gilley was speaking of three properties or of the A, B and C categories. Gilley said he was talking about the three properties. Shanklin asked Gilley if he had an idea of how much the work would cost, and was not interested in the amount but was trying to say that the work would not be cheap, as indicated by the pictures just shown. Gilley said he was aware it would be expensive but if it can be repaired, it would return some income to him, and that it would be costly to demolish and that demolishing it would produce no future income.

PUBLIC HEARING CLOSED.

MOVED by Williams, to approve Resolution No. 97-167. Motion died for lack of a second.

MOVED by Shanklin, SECOND by Beller, to give Mr. Gilley the opportunity to get his building permit and 120 days to see what the action is. (see clarification below)

Mayor Marley asked if the intent is to table this for 120 day or pass a resolution to give 120 days. Shanklin said he would rather pass a resolution so people do not come back after 120 days and ask for 120 more. The City Clerk asked if the motion included adoption of a resolution. Shanklin said yes, and modify the resolution allowing the owner, Troy Gilley, to have 120 days to complete the project to code. Tucker asked if this modifies the normal permit time, which is 180 days, and Shanklin said we will go look in 120 days.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-167

A RESOLUTION DETERMINING A MAIN CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

Legal Description: Block 19, Lot 8 S 60 of 8, North Addition. Title Holders: Troy A. and Joan Gilley

2. Consider authorizing staff to prepare plans and specifications for the Floyd Avenue Reconstruction Project, and identifying the funding source. Exhibits: Petition; Excerpt of May 8, 1990 City Council Minutes; Location Map.

MOVED by Shanklin, SECOND by Green, to table this item. AYE: Beller, Green, Warren, Purcell, Shanklin. NAY: Maples, Williams, Sadler. MOTION CARRIED. (Item reconsidered later in meeting.)

3. Consider leasing a tract of land in the Lawton View Addition to Southwest Marketing and Advertising Agency, Inc. for the purpose of billboard advertising. Exhibits: Proposed Lease Agreement.

Schumpert said the City previously had an agreement with Currell Lumber Company for the sign in exchange for taking care of certain properties in the area. He said the agreement with Currell was canceled as the company is no longer in business. Schumpert said Southwest Marketing proposes to maintain the sign plus the field in the block where the sign is located, also to maintain insurance and licensing on the sign, and allow one or both sides of the billboard to be used by the City for one month per year. He said that could be helpful with diazinon or other public service announcements. Schumpert said the proposed lease price is \$200 per month and it can be terminated in 30 days. He said the key issue is whether City property should be leased for private businesses to advertise with signs or billboards, and based on that, staff recommended action is for denial and that the sign be removed.

Beller said during the Water Authority meeting earlier, a lease was approved for a much lesser amount than is offered in this case, and there was a possibility in that instance of contamination occurring at the lake. He said \$2,400 per year is a fairly sizeable sum and the 30 day termination notice is included. Beller said there are benches around town that have been rented to entities for the purpose of advertising.

MOVED by Beller, SECOND by Maples, to approve the request from Southwest Marketing and Advertising to lease the land for \$200 per month.

Mayor Marley asked what kind of billboard was being talked about and whether it could have questionable figures or so forth on it, or what type of ads there would be.

Purcell asked if this lease is approved, and other requests come forth, would the Council be able to turn them down. Cruz said the Council would have discretion to approve or deny based on the location, considerations suggested, and other items.

Green said upkeep was not handled well in the previous lease, and there were trash, bushes and weeds which were turned in for enforcement. She said the sign was destroyed during a storm, it was then propped up and until recently, it had not been properly repaired. Green said she was bothered by having signs in her area that the owners do not take care of, as well as not knowing what would go on the sign. She said there are already three or four billboards in the area within half a block of the others.

SUBSTITUTE MOTION by Green, SECOND by Purcell, to deny the request.

Warren asked if the City's high weeds and grass ordinances apply to the leased area and Cruz said yes.

Beller said the City could use the \$2,400 per year and there is nothing wrong with outdoor advertising. He said the lease agreement contains a clause that it may be terminated by either party on a 30 day notice. Beller said the fence along the airport collects trash, and something may need to be done about that also. He said he did not think the company would put up advertising that would be offensive to the citizens of Lawton or the people in that neighborhood.

Joe Vajda, owner of Southwest Marketing and Advertising, said he did not object to the City approving the signs that would be put up. He said the signs he has are like the ones for Riverside Cafe going to Medicine Park, Hardzogs on I-44, John & Cooks, the other Currell Sign on Lee and First, and those are the types of businesses he was advertising. Vajda said as far as taste, it would only be for businesses, such as Circle K, Columbia Hospital, and so forth. He said he was very religious and did not believe in displaying offensive material.

Vajda said he approached Parks & Recreation because he felt the City should receive something in return, that he initially did not know it was City property, and that he did not care how the City spent the money. Vajda said on the maintenance, he believed in keeping things tidy and was a perfectionist and if the grass needed to be cut every other week, it would be done. He said he is new to Lawton, having recently moved here from El Paso because his wife transferred here with DFAS.

VOTE ON SUBSTITUTE MOTION TO DENY: AYE: Green, Purcell, Shanklin. NAY: Warren, Maples, Williams, Sadler, Beller. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION TO APPROVE: AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: Green. MOTION CARRIED.

4. Consider a change in residential solid waste collection service and take necessary action. Exhibits: None.

Jerry Ihler, Public Works/Engineering Director, said staff presented several alternatives to solid waste collection in October attempting to reduce the volume of waste taken to the landfill. Council direction was to bring back a plan that did not include any reduction in pick up services but would include an extra pick up or some plan to separate the grass clippings from the household waste. Proposal is to charge residents \$2.50 per month for yard waste pick up, which would be done in a separate pick up, and just as house side service is provided now, residents would contact Revenue Services and establish the yard waste pick up. Routes would be established based on those who desire the yard waste service. It is anticipated that approximately one-third of the residents will participate in the program, estimating about 10,000 residents. The yard waste would be taken to a composting operation at the landfill, and the charge would cover the cost of the composting operation, which would consist of three heavy equipment operators and a supervisor; that cost, along with maintenance of the equipment, is estimated at \$150,000 per year. Capital cost of the equipment is estimated at \$700,000 for initial start up, and the equipment would be a front end loader, a scarifier, a grinder, and some site preparation for composting. This equipment would be heavily used so a five year replacement scheduled is recommended.

Ihler said if the plan is approved, the equipment would be included in next year's budget. Delivery would take four to six months so the actual plan of pick up and separation would not go into effect until March 1999, and the fees would go into effect when the pick up would begin.

Ihler said a third pick up can be provided with the additional crews and not have an additional cost. There are 13 residential crews and those would drop to nine to pick up the household waste. Those nine crews could pick up

more units if they are not tasked with the picking up of yard waste. Four crews would have the function of picking up the yard waste. Staff has no experience with this and would experiment during the summer to see if it would work. Proposal is to have yard waste separated from March through October. The four crews would be used to fill in for other positions during the winter months with the other crews, or provide special projects requiring manpower.

Shanklin said grass clippings would not all be in the same types of bags so crews would have difficulty identifying them, and residents would mix refuse and grass clippings. He said if a household had fifty bags of grass clippings per month, it would only cost them five cents per bag and that is not enough money.

Ihler said the separation would come on the designated days when crews would pick up yard waste and it would not be on the same day the household waste is picked up. Shanklin suggested a special meeting be held on this subject in January and that discussion be held on not picking up grass clippings or some other action. Beller said he was not sure it should be discussed in January but possibly move it back further.

Maples said the City is not in the business to make money but to provide a service. She asked if the citizens could buy the bags from the City and what would happen if citizens put out yard waste to be picked up but have not signed up for the service. Ihler said crews currently place tags on bags where there are problems, and the tag would state that the household had not signed up for the yard waste service and that they need to contact Revenue Services to sign up. Ihler said with regard to determining what is in the bag, if people want to get around the system and put a small amount of yard waste into the typical household waste, they will do so and there is not really anything that can be done about it. He said it is should be pretty easy to determine if a bag has yard waste, although if there is trash put in the middle of it, there is not much that can be done. Ihler said they tried to get away from the City being in the business of buying and selling bags and the crews getting away from having to count the number of bags they picked up and charge a person, and a person may say he was charged for his neighbors bags, causing complaints. He said the proposal seemed to be the cleanest way to handle it, because people have signed up for house side service and that has worked out. Schumpert asked if the reason people can use their own bags is because yard waste would be picked up on a different day. Ihler said household waste would be picked up twice a week, and residents on the Monday-Thursday route would have yard waste picked up on either Tuesday or Friday; crews would pick up one-fourth of the City each day for the yard waste, but the yard waste would not be picked up on the same day as the household waste.

Maples said every citizen would have yard waste and suggested thought be given to making it mandatory because every yard has grass and leaves. Ihler said some residents mulch and do home composting, but most people do have yard waste.

Warren said he disagreed about the revenue because some revenue must be generated to support programs such as this and otherwise, Council would have to request a tax or increase to fund it. He said this could be a first step to the large composting operation considered previously and asked if this is the grinder that could process everything that goes into the landfill. Ihler said the grinder in this proposal is smaller and would be used for typical yard waste; estimated cost is \$220,000 to \$250,00 for this grinder but the large, tub grinder for household waste would be \$500,000.

Beller said the entire utility fee structure may have to be restructured if citizens are not encouraged to support the sales tax for the infrastructure. He said if the fees have to be restructured for the waste, garbage and sewer, it should all be done at the same time. Beller suggested this be put on the back burner and returned at budget time; if the sales tax is not approved, many ideas will be needed on utility funding.

Purcell said the proposal is to charge \$2.50 per month but some houses may have two or three bags and others would have fifty, so there is a lot of inequity. He said some bags may not be biodegradable and asked how those would be separated from the compost. Ihler said regarding the inequity, that will happen just as it does now with the regular, fixed rate on the household waste pick up, where a family of five pays the same as a single person. Ihler said most bags sold are biodegradable now, however, not all of them are, so consideration has been given to having the crews pick up the bag, slit it, empty it and place the bag in a separate compartment, although that has been discussed only as an option.

MOVED by Purcell, SECOND by Beller, to table this until some time next year. AYE: Maples, Williams, Purcell, Beller, Green, Warren. NAY: Sadler, Shanklin. MOTION CARRIED.

5. Consider approval of Change Order No. 2 for the Wastewater Treatment Plant (WWTP) Expansion Project 97-2 with Cajun Contractors. Exhibits: Original Contract Specification Sheets.

MOVED by Beller, SECOND by Purcell, to approve Change Order No. 2 in the amount of \$82,227.27 and zero additional contract days.

Shanklin asked why this was not included in Change Order No. 1 and asked how many filters were being rebuilt.

Ihler said this is to replace all 26 effluent filter valves and it was not in Change Order No. 1 because all of the information from the contractor had not been received. Ihler said it was not included in the contract because the effluent chambers, which house some of the filters, first had to be pumped down and sludge removed as part of the rehabilitation of the filters; the main reason is that the way it was set up was they wanted the supplier who was going to replace the valves to look at the valves and determine whether or not they needed to be rehabilitated or replaced. At the time the contract was bid, we did not know who the supplier would be because whoever got the contract would submit his list of suppliers, and one supplier should have the entire responsibility for the filter process. The concern was the contractor would inflate their price, not knowing whether they would be required to rehabilitate or replace the valves, so doing it as a change order would bring a better price.

Shanklin asked if this is an area where there is no new construction. Ihler said this is rehabilitation of the existing filters; it is not new construction but an entire rehabilitation of the existing filter system. Shanklin asked if it really needed to be done and Ihler said yes.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

6. Consider authorizing staff to add additional sections of waterline and related work to the NW Cache Road Waterline Project and approving a funding source. Exhibits: Letter from Community Escrow and Title Company; Property Survey Map 1; Memo from Assistant Public Works Director; Location Map.

Ihler said the City Planner received a letter from Community Title and Escrow Company regarding 2210 NW 23rd Street indicating title insurance could not be issued because the house is located on a ten foot utility easement; a 14" water line is located within the easement that was constructed in 1909. He said alternatives are to relocate the 14" water line, which would be a significant cost; the second alternative, and staff recommendation, is that because this is not the only location involved but houses are up and down the 14" line which runs from Cache Road to Rogers Lane, computer modeling has been done, as well as tests where that section of the line has been closed and water pressure readings were taken; this area is on the north high zone, fed by the water tower at 38th and Rogers Lane, and the pressure for these areas will not be effected by abandoning the line constructed in 1909. Staff recommendation is to abandon this section of line; as a result of abandonment, several meters will have to be relocated and tied in and run some additional lines so the houses along the line have service. Estimated cost is \$90,000 and recommendation is to add this to the Cache Road Project, which is currently under design from Sheridan Road to 38th Street on the north side of Cache Road. Funding is available in two projects that were funded in the 1990 CIP, one being the 34th Street project where the priority was changed in that there were only funds established to reconstruct one block and it is a major drainage problem and the estimate for all work was \$3 million so Council previously said we will not replace that one block and come back in ten years and tear up the street. The other project is F Avenue where funds remain after its completion.

Shanklin asked if this would be bid or if it is being added to another contract. Ihler said they are asking to add this to the design that is currently being done on an approved project, that being Cache Road, and better bids may be received by combining the projects. Shanklin asked about the cost and Ihler said \$90,000 is just for the line being abandoned and the needed work to reconnect, it is not the entire Cache Road segment.

Shanklin said he did not know how many homes are built over the 14" water line. Ihler said the water line was built in 1909 and it was all open field at that time, and the area was platted in the 1950s and homes were built over it. Shanklin said if the line leaks under one of the houses, it could cause a house to sink.

Maples said the addresses shown have a lot of problems now so this would help that also. Ihler said the line was built in 1909 and it is a major maintenance problem for the water distribution crews, and in addition to helping the home owners, it will help the City reduce the maintenance costs. Maples asked if this would have a bearing on the water line on Lincoln. Ihler said no, it would be separate.

MOVED by Maples, SECOND by Williams, to authorize staff to add additional sections of water line and related work to the Cache Road Water Line Project and approve funding from the 1990 CIP. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

7. Consider declaring an emergency for the purpose of cutting the high grass around Lake Ellsworth, and authorize an award of a contract to the best bidder to abate the emergency. Exhibits: Lake Ellsworth Map.

"Background: Due to the failure of the natural grasses on Tracts 11, 13, 15 and 16 not being baled there is approximately 808 acres that need to be cut/mowed to reduce the fire danger on City properties around Lake Ellsworth.

Tract 11 - 603 acres (Fishermans Cove)

13 - 70 acres

15 - 85 acres

16 - 50 acres

Total 808 acres

It is recommended that an emergency be declared and to authorize the Purchasing Division to solicit a proposal to cut the natural grasses on Tracts 11, 13, 15 and 16 at Lake Ellsworth.

Key Issue: Does the high grass on Tracts 11, 13, 15 and 16 propose a fire danger to the City and private properties that would warrant an emergency to be declared.

Funding Source: General Fund - Lakes Division"

MOVED by Beller, SECOND by Purcell, to declare an emergency for the purpose of cutting the high grass around Lake Ellsworth and authorize an award of a contract to the best bidder to abate the emergency. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

8. Discuss preparation of the 1998-99 Budget and provide direction to the City Manager and the city staff. Exhibits: None.

Schumpert said in last years meetings, there was a consensus to schedule this at a Council meeting. He said this had been tried before but did not work because, at that time, a majority of the members would change with each election. He said with elections for offices every three years, a minority of the Council may change every year, so it appears to be a sound approach to give guidance to the City Manager and staff prior to preparing the budget and going into budget sessions. He suggested each member state what they wish to see in the budget or what they want to have discussed in that regard.

Purcell complemented the City Manager and said this is necessary and the City Manager had taken it to heart. He said this could be a lengthy process and suggested it be tabled to a meeting early in January.

MOVED by Purcell, SECOND by Warren, to table this item until a special meeting in early January. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

Addendum Item: Consider adopting a resolution revising the sales tax election ballot proposition approved by Resolution No. 97-161.

Cruz said this item was placed on the agenda so the ballot will be clearer and provide more information to the electorate when they go to the voting booth to be able to tell what the sales tax is for; previous format stated capital improvements and this resolution will make it clearer. Mayor Marley said it spells it out like the ordinance is written.

MOVED by Purcell, SECOND by Green, to approve Resolution No. 97-168. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-168

A RESOLUTION REVISING THE SALES TAX ELECTION BALLOT PROPOSITION AS APPROVED BY RESOLUTION NO. 97-161.

Mayor Marley said a request had been received to ask one of the members who voted to table Item 2 on tonights agenda to reconsider opening that subject again tonight. Cruz said the item was tabled and in order for it to be reconsidered, one of the members voting in the majority must make a motion. Williams asked for consideration since people in the audience had been patiently waiting for years.

MOVED by Beller, SECOND by Maples, to reconsider the tabling motion on Item 2. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

Mayor Marley said Council would reconsider authorizing staff to prepare plans and specifications for the Floyd Avenue Reconstruction Project and identifying the funding source.

Williams said a petition had been presented by people who had lived with this situation for a number of years. He said in 1990, the Council at that time voted to rebuild the street with CDBG funding but it was not done and it no longer qualifies for CDBG funds. Williams said staff recommended funding the resurfacing from the Street Division budget and to take the curb and guttering from the 1990 CIP.

Purcell said a promise was included in the 1990 CIP to rebuild Flower Mound Road and that he would like at least 50 yards of that work done.

MOVED by Williams, SECOND by Warren, to authorize staff to prepare plans and specifications for the Floyd Avenue Reconstruction Project and utilize 1990 CIP funds to reconstruct the curb and gutter. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

9. Consider the following damage claim recommended for denial: Church Mutual Insurance Company by and through Midlands Claim Administrators, Inc. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.
10. Consider the following damage claim recommended for approval: Goodwill Industries. Exhibits: Legal Opinion/Recommendation. Action: Approval of claim, \$350.00.
11. Consider ratifying the action of the Lawton Water Authority amending the fixed assets inventory and price of the Janice Meese, Robinsons Landing, Inc., concession agreement. Exhibits: None. Action: Ratify LWA approval.
12. Consider ratifying the action of the Lawton Water Authority entering into a lease agreement of the mineral interests for a 25 acre tract of land located on the northwestern edge of Lake Ellsworth in Caddo County to Marathon Oil Company and authorize the Mayor and City Clerk to execute the lease documents. Exhibits: None. Action: Ratify LWA approval.
13. Consider accepting a sewer main extension in MacArthur Park Addition, Part 5A, a maintenance bond, and a cash surety in lieu of completing minor improvements which include erosion control and the deflection test. Exhibits: Location Map. Action: Accept the 6" sewer main extension in MacArthur Park Addition, Part 5A, the maintenance bond (\$1,080.00), and the cash surety (\$720.00).
14. Consider approving the plans and specifications for an 8-inch sewer line relocation at the northeast corner of Sheridan Road and Ferris Avenue. Exhibits: Letter; Map; Memorandum. Action: Approval of plans and specifications for an 8" sewer line relocation at the northeast corner of Sheridan Road and Ferris Avenue.
15. Consider issuance of a revocable permit to The Salvation Army to continue to utilize a portion of the SW 14th Street right-of-way adjacent to 1315 SW F Avenue for parking and maneuvering. Exhibits: Application; Revocable Permit; Location/Site Map. Action: Approval of revocable permit.
16. Consider accepting a warranty deed from Kennedy & Company, a Co-Partnership, for Lot 22, Block 16, Mountain View Addition. Exhibits: Warranty Deed; Location Map. Action: Accept the Warranty Deed.
17. Consider approving a lease agreement between the City of Lawton and the Wichita Mountains Area Senior Citizens Center and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None. Action: Approve lease agreement and authorize execution.
18. Consider approving an agreement for refuse disposal with the Town of Geronimo and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None. Action: Approve agreement.
19. Consider an agreement between the City of Lawton and Great Plains Improvement Foundation, Inc. (GPIF) in the amount of \$50,000 for the establishment of a youth facility as described in the Consolidated One-Year Action Plan FY 1997. Exhibits: Agreement. Action: Approve agreement.
20. Consider accepting the State Aid for Libraries grant of \$42,775 and authorize execution of the contract with the Oklahoma Department of Libraries. Exhibits: None. Action: Approval of item.
21. Consider awarding contract for Topcon 312 DPG Total Station. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Midwest Architects and Engineers Supply, Inc.
22. Consider awarding contract for Upgrade E-911 Police Dispatching Program. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Public Safety Systems.
23. Consider awarding contract for SCBA and Parts. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Wayest Safety, Inc.
24. Consider awarding contract for Pest Control Services. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Environmental Pest Control.
25. Consider awarding contract for work clothing. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Wear Guard Corporation.
26. Consider awarding contract for pumper trucks. Exhibits: Vendors Mailing List; Bid Tabulation;

Recommendation. Action: Award contract to Precision Fire Apparatus.

ITEMS 27 AND 28 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

29. Mayors Appointments. Exhibits: None.

Citizens Advisory Committee on CIP: Roy Moore, Ward 6, Term to 12/16/2000

Human Rights & Relations Commission: Carmin Patterson, White Rep., Term to 9/30/98

30. Consider approval of payroll for the period of December 15 through 28, 1997, and December 29, 1997, through January 11, 1998. Exhibits: None.

Maples said she would abstain from Item 9. Sadler asked for separate consideration of Items 27 and 28. Beller said on Item 19 he had a question, on Page 78, it says the Great Plains Foundation, Inc. must enter into various trades to provide construction. He asked if that meant contracts with various trades and Schumpert said yes.

MOVED by Sadler, SECOND by Williams, to approve the Consent Agenda as recommended with the exception of Items 27 and 28. AYE: Green, Warren, Maples (abstained from Item 9 and voted in favor of the remaining items), Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

27. Consider extending contract for glass beads. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation.

Sadler asked what the City does with five tons of glass beads. Schumpert said they are the size of the end of a pencil lead and go into the paint used for street striping to provide reflection.

MOVED by Sadler, SECOND by Warren, to approve extending this contract with Cataphote, Inc. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

28. Consider extending contract for jail beverages. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Farmers Brothers Coffee Company.

Sadler said the City would be spending approximately \$3,900 for this purchase and asked who would be drinking the beverages. Schumpert said the inmates. Sadler suggested this be looked at during budget. Mayor Marley said it is tea and coffee. Warren asked if there was a requirement to provide coffee and tea for inmates.

MOVED by Sadler, SECOND by Green, to approve extending the contract with Farmers Brothers Coffee Company. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEM:

31. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisal of the Blue Beaver Park property and take appropriate action in open session on the sale of said property. Exhibits: None.

MOVED by Williams, SECOND by Warren, to convene in executive session as shown on the agenda. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 7:45 p.m. with roll call reflecting all members present.

Cruz reported the Mayor and Council met in executive session to consider the appraisal of the Blue Beaver property. He recommended Council authorize the City Manager and staff to advertise for the sale of the Blue Beaver Park property under the following conditions: That the large tract be at a minimum price of \$10,000 and the smaller tract at a minimum price of \$5,000, combination of both at \$15,000; that it be sold on a quit claim deed basis; that if there is a tie bidder, that an auction between the tie bidders be made before the Council for selection; that the bidder will pay 10% down with their bid, that it be advertised in the Lawton Constitution, and that the Council reserves the right to reject any and all bids and other conditions as discussed.

MOVED by Williams, SECOND by Purcell, to approve the item as stated by the City Attorney. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY MANAGER/CITY COUNCIL.

Schumpert said the CIP for the lakes had been tabled and it would be returned in January for consideration. He said OML is presenting a budget process session in Oklahoma City. He said the Christmas Lunch was held today at

City Hall and it was very nice.

Warren said he had heard of a problem with the speed at which the first time home buyer program is progressing and requested the City Manager get that going quicker or see what needs to be done to fix it. Schumpert said individuals go in with the expectation that if they have been selected, they may be in a new home in 60 days, but that is not possible usually doing it on your own within that time frame.

Schumpert said one of the benefits of the program is when they arrive at a figure at which the bank will loan, the City rehabilitates the structure to code, so when the owners arrive, there should not be a problem and there is a year warranty on the structure. He said he felt there were over zealous staff members who indicated congratulations, you are getting a new home, and also on the other hand, some individuals had selective hearing on what they heard. Schumpert said they are taking four at a time, which means they are currently working with the top four individuals who were drawn, and when they get a house or not, it will go to the next ones, so for those near the end of the list, it could be a year or a year and a half before they are considered. He said you must do it that way due to the great range in the amount of money you can borrow and also on how much it will cost to rehabilitate the structure, and you can realistically deal with about four at a time. Schumpert said some people started looking at homes and have now "lost" homes, and that is unfortunate. He said Mr. Aplin had assured him that he would personally contact all of those who were drawn and go over the process again and also write them and address that process. Schumpert said he did not think it was a matter of them proceeding differently, but people thought they were selected and would move in next month, and that was not going to happen.

Warren said he had no problem with going with the four people first, but there may be credit problems or other things in that group, and it may take six to eight weeks just to clear that before someone in number nine position, who has everything worked out and is ready to go, can even lay it on the desk. Schumpert said there is not a way around that, because there is a certain amount of money to both purchase and rehabilitate the home; if the home does not cost that much and does not take too much rehab, it is in good shape, but one house took \$20,000 to rehab. He said at one time, they drew numbers for each applicant and this time they drew only those they thought they would realistically reach, and we dealt with 20 people on the list before and 13 got homes out of 57 that were drawn. Green asked how many were drawn this year. Mayor Marley said 22, and the rest were then drawn in case others fall out.

Mayor Marley wished everyone a happy and safe holiday season. Warren thanked Maples for providing the refreshments.

Shanklin said a memorandum was received on how violations would be treated from December 15 and on stating that violations, when found, will be processed in the Lawton Municipal Court in accordance with the Lawton City Code when first encountered, without warning or time being given, to abate the nuisance. He asked members if that was what was desired and the response was yes. Shanklin said this will cause a problem in the future. Maples said people should know if their grass is a foot tall. Shanklin said it also says limbs and an elderly, home bound person may not be able to get outside to know of that problem and it would not be fair to them to get a \$200 ticket. Maples said staff members have some discretion. Mayor Marley said the memorandum reads as Shanklin stated.

Green said Dr. L. K. Jones funeral will be tomorrow at Galilee Baptist Church. She said Dr. Jones had been very active in the community, especially at the educational level.

Beller said there would be an appreciation luncheon tomorrow at the Airport and everyone was invited.